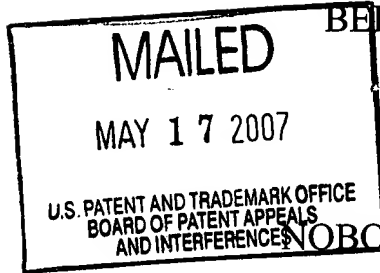


UNITED STATES PATENT AND TRADEMARK OFFICE



BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte FRANK RUI-FENG CHU,
NOBORU KAMIJO, and DENNY DUAN-LEE TANG

Application No. 09/768,829

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received at the Board of Patent Appeals and Interferences (hereinafter the "Board") on March 1, 2007. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the Examiner. The matters requiring attention prior to docketing are identified below:

On August 23, 2006, the Board mailed a second Order Returning Undocketed Appeal ordering the Examiner to consider Appellants' Information Disclosure Statement (IDS) filed on December 8, 2004, and to notify Appellants in writing of such consideration.

In a communication mailed on January 5, 2007, the Examiner notifies Applicants that their IDS filed on December 28, 2004 would not be

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considered because Applicants had not paid the fee, nor was the fee authorized.

On January 9, 2009, Applicants resubmitted the IDS originally filed on December 8, 2004, along with the requisite fee of \$180.00. It is not clear, based on Applicants' resubmitted IDS, whether the Examiner has reconsidered the IDS, or whether the Examiner notified Applicants as to why their submission did not meet the criteria set forth in 37 CFR §§ 1.97 and 1.98.

Accordingly, it is

ORDERED that the application is returned to the Examiner to consider Applicants IDS filed on January 9, 2007, to notify Applicants in writing of consideration, and for such further action as may be appropriate.

BOARD OF PATENT APPEALS
AND INTERFERENCES

By: 

PATRICK J. NOLAN
Deputy Chief Appeals Administrator
(571) 272-9797

PJN:clj

Cook, Alex, McFarron, Manzo,
Cummings & Mehler Ltd.
Suite 2850
200 West Adams Street
Chicago, IL 60606